



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.4785 of 2025

Lipu Swain

.....

Petitioner

Represented By Adv. -
Rakesh Behera

-versus-

State Of Odisha

.....

Opp. Party

Represented By Adv. –
Sasmita Nayak, A.S.C.

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
26.11.2025
I.A. No.3522 of 2025

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This I.A. has been filed by the learned counsel for the petitioner seeking modification of order dated 19.11.2025.
3. Considering the submissions made, the order dated 19.11.2025 is hereby recalled.
4. Accordingly, the I.A. is disposed of.

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5. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel appearing for the State-Opposite Party.
6. This is an application under Section 528 of the BNSS has been filed by the Petitioner with a prayer to quash the criminal



proceeding in T.R Case No.566 of 2025 pending in the court of learned 4th Additional District & Sessions Judge-cum-Special Judge (POCSO), Bhubaneswar arising out of Tomando P.S Case No.271 of 2025.

7. Learned counsel for the Petitioner during course of argument submits that the Petitioner does not want to press this application with liberty to the Petitioner to raise all the points at a later stage by filing an appropriate application.

8. Considering the submission made, this CRLMC stands disposed of as not pressed with liberty as prayed for.

9. Further, taking into consideration the submissions made by learned counsel for the Petitioner that some of the co-accused persons have been enlarged on bail and that the Petitioner is ready and willing to cooperate with the trial, this Court, without expressing any opinion merits of the matter, grants liberty to the Petitioner to surrender before the learned 4th Additional District & Sessions Judge-cum-Special Judge (POCSO), Bhubaneswar in the aforesaid case within four weeks hence. In such eventuality, learned 4th Additional District & Sessions Judge-cum-Special Judge (POCSO), Bhubaneswar shall do well to consider and dispose of the bail application of the Petitioner on the same day in accordance with law. In the event any co-accused person has been released on bail in the meantime, principles of parity shall also be applied in the case of the Petitioner by the learned court in seisin over the matter.

10. Case Diary be made available to the concerned courts on an application being filed prior to surrender of the Petitioner before the court below. Records be transmitted to the higher forum at the cost



of the Petitioner, if applied for.

11. The CRLMC is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Anil